

URGENT MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

January 25, 1991



RDMS DocID

110169

Mr. John Seferiadis
 Boston Edison Company
 480 Arsenal Street
 Watertown, MA 02172

Re: Request for Information Pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, and Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9604

Dear Mr. Seferiadis:

On June 18, 1990, a representative of the Massachusetts Department of Environmental Protection conducted an inspection at Boston Edison Company, EPA ID# MAD000845412. The purpose of this inspection was, in part, to determine the company's compliance with the Land Disposal Restrictions (LDR). The LDR, which was established pursuant to the Hazardous and Solid Waste Amendments (HSWA) to RCRA, applies to facilities that manage: (1) certain spent solvents after November 8, 1986; (2) "California list" wastes after July 8, 1987; and (3) the first one-third of the listed hazardous wastes after August 17, 1988, the second one-third of the listed hazardous wastes after June 23, 1989, and the third one-third of the listed hazardous wastes, as well as EPA hazardous waste numbers D001-D017 and F039, after May 8, 1990.

The LDR requires generators to arrange for treatment of their wastes, if their wastes exceed specific treatment standards, prior to land disposal. The LDR also establishes other requirements set forth in 40 C.F.R. Part 268 as well as in the revised regulations of 40 C.F.R. Parts 260-265 and 270. A discussion of the LDR and the regulations promulgated to date can be found in the following Federal Registers:

- 51 Federal Register 40572 (November 7, 1986);
- 52 Federal Register 21010 (June 4, 1987);
- 52 Federal Register 25760 (July 8, 1987);
- 53 Federal Register 31138 (August 17, 1988);
- 54 Federal Register 26594 (June 23, 1989);
- 54 Federal Register 36967 (September 6, 1989);
- 55 Federal Register 11862 (March 29, 1990); and
- 55 Federal Register 22520 (June 1, 1990).

CONCURRENCES				
SYMBOL	HRR-CAN 3	HRR	HRL	HDA
SURNAME	Serra	Coelho	CHW/mmc	Murphy
DATE	1/23/91	1/23/91	1/24/91	1/24/91

EPA Form 1320-1 (12-70)

OFFICIAL FILE COPY

• U.S. GPO 1988-0-206 471

In addition, HSWA added Section 3017 specifically addressing hazardous waste exports. Exports of hazardous waste are prohibited unless: (1) notification of the intent to export is provided to the Administrator through EPA's Office of International Activities; (2) prior written consent is obtained from the receiving country; (3) a copy of the prior written consent is attached to each manifest; (4) the shipment conforms to the terms of the written consent; and (5) an annual report is filed summarizing the previous year's exporting of hazardous waste. The export rule also establishes other requirements set forth in 40 C.F.R. Part 262, Subpart E. These requirements are set forth in 51 Federal Register 28682 (August 8, 1986).

Also, on October 26, 1986, the United States and Canada entered into an agreement (Agreement) concerning the transboundary movement of hazardous waste. Each shipment must conform with the terms of the Agreement.

In order to clarify certain information obtained during this inspection and to ascertain your facility's compliance status, EPA, pursuant to the authorities of Section 3007 of RCRA, 42 U.S.C. § 6927, and Section 104 of CERCLA, 42 U.S.C. § 9604, hereby requests that the information below be furnished within fifteen (15) calendar days of receipt of this letter.

1. Describe all hazardous wastes handled on-site, including, but not limited to 1,1,1-trichloroethane, PCBs, waste oil and corrosive wastes. For each hazardous waste handled, this description shall include the following:
 - a) chemical composition of the waste, including all available waste analyses;
 - b) applicable EPA waste code;
 - c) a description of the process(es) which generated the waste;
 - d) any determination by Boston Edison Company of whether the LDR is applicable to such waste, including the date the determination was made, the basis for the determination, and the results of the determination (i.e. whether the LDR is applicable to the waste), and documentation of how this determination was made;
 - e) any determination by Boston Edison Company concerning the applicability of the Toxicity Characteristic Leaching Procedure (TCLP) including the date the determination was made, the basis for the determination, and the results of the determination and documentation of how this determination was made. These requirements are set forth in 56 Federal Register 11862;

- f) any applicable treatment standard(s) set forth in 40 C.F.R. Part 268, Subpart D; and,
 - g) the treatment method applied to the waste by the treatment facility to which it was shipped.
- 2. Provide copies of all LDR notifications and/or certifications, as well as accompanying manifests, sent with each shipment of restricted waste after the date that the waste became restricted from land disposal, pursuant to 40 C.F.R. § 268.7. Please include in your answer a description of the documents being provided, including: (1) the period of time during which such documents were generated; (2) the waste stream(s) (by process and EPA waste code) to which they apply; and (3) the source of these documents (e.g., from Boston Edison Company's internal files, or from the files of the treatment, storage, disposal or recycle facility(ies) to which Boston Edison Company shipped its waste(s)). If any restricted waste was shipped off-site without the required notifications or certifications, please explain why this occurred and provide copies of all manifests sent with such shipments.
- 3. Provide copies of all demonstrations and certifications submitted pursuant to 40 C.F.R. § 268.8, as well as accompanying manifests, with shipments of waste subject to the provisions of 40 C.F.R. § 268.33(f) (i.e., "soft hammer" waste). Please describe the documents being provided, including: (1) the dates such documents were generated; (2) the waste stream(s) (by process and EPA waste code) to which they apply; and (3) the source of these documents (e.g., from Boston Edison Company's internal files, or from the files of the treatment, storage, disposal or recycle facility(ies) to which Boston Edison Company shipped its waste(s)). Please provide copies of all manifests sent with any initial shipments of "soft hammer" waste shipped off-site between August 8, 1988 and May 8, 1990 for which demonstrations and certifications were not prepared. If a demonstration and certification did accompany the first off-site shipment of a "soft hammer" waste, but subsequent shipments of such waste were shipped off-site without a certification, please explain why this occurred and provide copies of all manifests sent with those shipments that were not accompanied by certifications. As of May 8, 1990, the "soft hammer" provisions no longer apply. Shipments of these "soft hammer" wastes must now be accompanied by notifications and/or certifications as outlined in paragraph 2) above.

4. For all hazardous waste export activities from the period of January 1987 to present:

- a) Identify all shipments of hazardous waste exported, including the applicable EPA waste codes as specified in 40 C.F.R. Part 261. Also include a description of each activity/process which generated the exported hazardous waste.
- b) Provide copies of notifications of intent to export filed pursuant to 40 C.F.R. § 262.53.
- c) For each waste export shipment described in response to paragraph 4a) above, provide copies of all manifests and any other documentation sent with the shipment as required by 40 C.F.R. Part 262, Subpart E and 40 C.F.R. Part 268, including, but not limited to: Acknowledgement of Consent, LDR notifications, certifications and/or demonstrations.
- d) Provide copies, if any, of all exception reports filed with the EPA Administrator for export shipments of hazardous waste as required by 40 C.F.R. § 262.55. If no such reports were created and/or filed, please explain.
- e) Provide copies of all reports filed pursuant to 40 C.F.R. § 262.56 with the EPA Administrator which summarized the types, quantities, frequency, and ultimate destination of all hazardous waste exported.
- f) State whether a copy of each manifest described in response to 4c) above was also provided to the transporter as required by 40 C.F.R. § 262.54(i).

If documentation requested in Item 4c) above duplicates the documentation requested in Items 2 and 3 above, then submit only one copy of each manifest and required attachments. As part of this Information Request, please provide a cover letter carefully specifying what documentation is provided in response to each request.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. Section 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. Information covered by such a claim will be disclosed by EPA only to the extent, and by the means of the procedures set forth by 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Please forward the information requested to:

Joan Serra, Environmental Engineer
U.S. Environmental Protection Agency
MA & RI Waste Regulation Section - [HRR-CAN3]
Waste Management Division
J.F. Kennedy Federal Building
Boston, Massachusetts 02203-2211

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to this Information Request, or to adequately justify such failure to respond, within fifteen (15) calendar days of receipt of this letter can result in an enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001 or Section 3008(d) of RCRA.

If you have any questions with regard to the above, please contact Joan Serra or my staff at (617) 223-5527.

Sincerely,

Merrill S. Hohman, Director
Waste Management Division

cc: Jim Miller, DEP - Boston *CS*
Ed Pawlowski, DEP - ~~Eastern~~ Region
Northeast
bcc: Joan Serra
Peg Mullins
Robert Cianciarulo



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

March 28, 1989

Boston Edison-Materials Mgmt. Ctr.
480 Arsenal Street
Watertown, MA 02172

RE: Request for information pursuant to Section 3007 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6927, and Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9604.

Dear Sir or Madam:

The Environmental Protection Agency Region I office is in receipt of your response to the Request for Information issued to your company on November 25, 1988. Responses are currently being evaluated in detail by EPA.

If additional information is required to satisfy the November 25, 1988, letter, EPA will notify you in the future.

EPA appreciates your assistance and cooperation in this matter.

Sincerely yours,


John F. Zipeto, P.E., M.P.H.
Massachusetts Waste Management Branch

cc: William F. Cass, DEQE